

Remarks

I. Introduction

This is in response to the Office Action dated September 7, 2007.

The Office Action objects to the specification as failing to provide proper antecedent basis for the claimed subject matter in claim 18. In response, Applicants have amended claim 18.

The Office Action rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0115298 (Baker) in view of U.S. patent No. 6,775,273 to Kung et al. (Kung).

II. Rejections under 35 U.S.C. § 112

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baker in view of Kung. However, Kung is unavailable as a reference under §103(a). Under 35 U.S.C. §103(c), a patent to another which qualifies as prior art only under subsection §102(e) shall not preclude patentability under §103 where the patent and the claimed invention were, at the time the invention was made, owned by the same person. 35 U.S.C. §102(c). This portion of the statute is applicable to patent applications filed on or after November 20, 1999. In the present case, Kung qualifies as prior art only under § 102(e) and the present application and Kung were, at the time the present invention was made, both owned by AT&T Corp. This joint ownership is evidenced by the following:

- Assignment document dated March 12, 2004 recorded at reel/frame 015097/0676 assigning the present invention to AT&T Corp.
- Assignment document dated December 30, 1999 recorded at reel/frame 010835/0722 assigning the invention claimed in U.S. Patent No. 6,775,273 (Kung) to AT&T Corp.

The present invention was filed on March 12, 2004, which is after the effective date (November 29, 1999) of the relevant portion of 35 U.S.C. §103(c). Therefore, Kung is unavailable as a reference for use in an obviousness rejection under 35 U.S.C. §103(a).

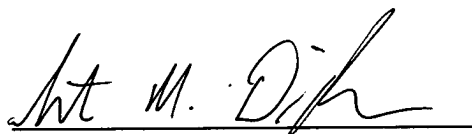
III. No New Matter

The amendments to claims 18-20 are fully supported in the specification as filed at least at page 20, lines 18-23.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "St M. DiPasquo", is written over a horizontal line.

Steven M. DiPasquo
Reg. No. 54,754
Attorney for Applicants
Tel.: 973-533-1616

Date: December 7, 2007
AT&T Corp
Room 2A-207
One AT&T Way
Bedminster, NJ 07921